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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

16 CR 468 (GHW)

5 JAMES GRANT and JEREMY
6 REICHBERG,

7 Defendants.

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8
9 December 20, 2018
9:05 a.m.

10 Before:

11 HON. GREGORY H. WOODS,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: JESSICA R. LONERGAN

KIMBERLY J. RAVENER

MARTIN BELL

18 Assistant United States Attorneys

19 HAFETZ & NECHELES, LLP

Attorneys for Defendant Reichberg

20 BY: SUSAN NECHELES

21 MERINGOLO & ASSOCIATES

Attorneys for Defendant Grant

22 BY: JOHN MERINGOLO

ANJELICA CAPPELLINO

ICKBGRA2

Charge

1 involved was different. The law requires only a substantial
2 similarity between the dates alleged in the indictment and the
3 dates established by the evidence or the amounts alleged in the
4 indictment and the amounts established by the evidence.

5 I note, however, that two of the sums of money
6 mentioned in the indictment, that is the \$10,000 or more in
7 federal benefits received by the NYPD and the \$5,000 or more of
8 transactional value which I previously instructed you about,
9 are elements of the crimes charged in Counts Three, Four and
10 Five. If you find that the government has not proven those
11 amounts beyond a reasonable doubt, then you must find that the
12 defendants are not guilty on those counts.

13 Redaction of evidentiary items.

14 Among the exhibits received in evidence, there are
15 some documents that are redacted. "Redacted" means that part
16 of the document or tape was taken out. You are to concern
17 yourself only with that part of the item that has been admitted
18 into evidence. You should not consider any possible reason why
19 the other part of it has been redacted.

20 Persons not on trial or not indicted.

21 Some of the people who may have been involved in the
22 events leading to this trial are not on trial. That does not
23 matter. There is no requirement that everyone involved in a
24 crime be charged and prosecuted, or tried together, in the same
25 proceeding.

ICKBGRA2

Charge

1 You may not draw any inference, favorable or
2 unfavorable, toward the government or the defendant, from the
3 fact that certain persons other than the defendants were not
4 named as defendants in the indictment or are not on trial here.
5 Nor may you speculate as to the reasons why other persons were
6 not named in the indictment or are not on trial. Those matters
7 must play no part in your deliberations.

8 Whether a person should be indicted as a defendant in
9 this case or another separate case is a matter within the sole
10 discretion of the United States Attorney and the grand jury.
11 Therefore, you may not consider it in any way in reaching your
12 verdict as to either defendant.

13 Uncalled witnesses -- equally available or
14 unavailable.

15 There are several persons whose names you have heard
16 during the course of the trial but who did not appear here to
17 testify.

18 I instruct you that each party had the same power to
19 subpoena witnesses to testify on their behalf. Therefore, you
20 should not draw any inference or reach any conclusions as to
21 what they would have testified to had they been called. Their
22 absence should not affect your judgment in any way.

23 You should, however, remember my instruction that the
24 law does not impose on a defendant in a criminal case the
25 burden or duty of calling any witnesses or producing any